

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAWRENCE NORTHERN,

Plaintiff,

v.

A. BAUMGART, FRISK, C. WARNER,
and T. JOHNSON, all in their individual capacities,

Defendants.

ORDER

13-cv-367-wmc

Plaintiff Lawrence Northern, a prisoner at the New Lisbon Correctional Institution in New Lisbon, Wisconsin, has submitted a proposed complaint. He has paid the \$400 filing fee. Nevertheless, because he is a prisoner, he is subject to the 1996 Prison Litigation Reform Act. Under the Act, plaintiff cannot proceed with this action unless the court grants him permission to proceed after screening his complaint pursuant to 28 U.S.C. § 1915A to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief.

In addition, plaintiff has filed a “Motion for Appointment of Counsel.” It is well established that civil litigants have no constitutional or statutory right to the appointment of counsel. *See, e.g., Luttrell v. Nickel*, 129 F.3d 933, 936 (7th Cir. 1997); *Ray v. Wexford Health Sources, Inc.*, 706 F.3d 864, 866-67 (7th Cir. 2013). The court’s authority to recruit counsel for a party in a civil case comes from 28 U.S.C. § 1915(e)(1), which is limited to parties who are “unable to afford counsel.” In this case, plaintiff paid the filing fee in full and did not submit a trust fund account statement. Because plaintiff has not demonstrated that he is unable to afford counsel, his motion must be denied.

ORDER

IT IS ORDERED that

1. Plaintiff Lawrence Northern's complaint is taken under advisement for screening pursuant to 28 U.S.C. § 1915A. Plaintiff will be notified promptly when such a decision has been made. In the meantime, if plaintiff needs to communicate with the court about his case, he should be sure to write the case number shown above on his communication.

2. Plaintiff's motion for assistance in recruiting counsel, dkt. 2, is DENIED without prejudice.

Entered this 11th day of June, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge